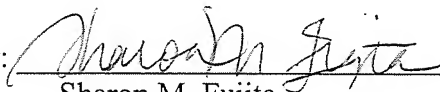


REMARKS

Applicants' attorney thanks the Examiner for the telephone call of February 5, 2007 to advise the Applicants of the status of this application. The Examiner indicated that he was issuing an obviousness-type double patenting rejection over U.S. Patent No. 6,132,970 and invited the Applicants to file a terminal disclaimer. A terminal disclaimer is thus filed herewith by the common Assignee of the present application and the '970 patent. Accordingly, withdrawal of this rejection is respectfully requested.

If there are any questions concerning this communication, the Examiner is invited to call the undersigned at the telephone number provided below so that prompt disposition of this application can be achieved. The Commissioner is hereby authorized to charge any fees that may be due in connection with this submission to Deposit Account No. 50-0990.

Respectfully submitted,

By: 
Sharon M. Fujita
Attorney for Applicant
Reg. No. 38,459

February 6, 2007

MAXYGEN, INC.
Patent Department
515 Galveston Drive
Redwood City, California 94063
Telephone: (650) 298-5421
Facsimile: (650) 298-5446
Customer No. 30560

Enclosure: Terminal Disclaimer